

**REMARKS/ARGUMENTS**

Claims 1-22 are pending in the application. In the Office Action, claims 17-22 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In addition, claims 1-2, 10-13, 17-18, and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0179676 to Okuda et al. (Okuda). Claims 3-4, 6-7, 19, and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Okuda in view of U.S. Patent No. 6,278,387 to Rayskiy (Rayskiy). Claims 5 and 8-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Okuda in view of Rayskiy and further in view of U.S. Patent No. 5,717,823 to Klejin (Klejin). Finally, claims 14-16 and 21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Okuda in view of Klejin.

Beginning with the 112 rejection, claims 17-22 recite a program storage device tangibly embodying a set of programming instructions for executing on a communication unit. Applicants respectfully disagree with the Examiner's assertion that an issue of new matter should be raised in response to the terms "program storage device" and "tangibly embodied." These terms are well known in the art of computer programming, and the specification clearly conveys to one of skill in this art that Applicants were in possession of such claimed subject matter. In particular, the specification notes that a program is for execution on a computer system (see page 8, lines 8-10). One of skill in the art would certainly appreciate that a program must be written to some sort of storage unit to allow for execution in a computer system that contains such a storage unit. The term "tangibly embodied" is a simple, well-known and well-accepted phrase that is used in these types of claims to recite the process of

moving executable code to a storage unit, and there is clear support for it in this specification.

Moreover, the specification states that a program may be stored on a computer readable medium or *other storage medium* (see page 8, lines 14-16). One of skill in the art would appreciate that a program storage device, a term that is well-known and accepted in the art, falls within the scope of a storage medium. Thus, Applicants submit that the specification provides support for this term and respectfully request withdrawal of the 112 rejection.

Turning to the 102 and 103 rejections, independent claim 1 has been amended to clarify that a selectable rate variable is selected by the other party to impose an altered talking rate on a user speaking at an undesired speaking rate during a call between the user and the other party. Independent claims 10 and 17 have been similarly amended. Support for these amendments can be found on page 7, lines 1-4 and lines 23-25 and on page 6, lines 12-18 of the application. No new matter has been added in view of these amendments.

Okuda discloses a handset comprising a microphone (1), a loudspeaker (2), and a voice speed converting unit (5) physically located on the side of a calling party, used for placing a phone call to a called party (see FIG. 4 and paragraph 0044). Okuda never discloses the *called* party controlling any characteristics of the voice speed converting unit in the handset of the *calling* party. Therefore, Okuda does not teach or suggest the claimed subject matter.

In view of the above, Applicants believe that the above claims are patentable over the prior art. Reconsideration and withdrawal of the rejection of the claims is

respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any requisite fees, or credit any overpayment, to Motorola, Inc., Deposit Account No. 502117.

Respectfully submitted,

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